



002-3111/TNT:bkp/271180

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                |   |                     |
|--------------------------------|---|---------------------|
| In re U. S. application of:    | ) | Before the Examiner |
| Hai H. Trieu                   | ) | (Unassigned)        |
|                                | ) |                     |
| Serial No. 10/717,687          | ) |                     |
|                                | ) | Group Art Unit 3738 |
| Filing Date: November 20, 2003 | ) |                     |
|                                | ) |                     |
| METHOD AND APPARATUS FOR       | ) |                     |
| DELIVERING AN INTERVERTEBRAL   | ) |                     |
| DISC IMPLANT                   | ) | March 22, 2004      |

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicants wish to bring to the attention of the Examiner the items listed on the enclosed Information Disclosure Statement (PTO Substitute Form for 1449A). This information has not been previously submitted in this application, and has not been heretofore cited by the Examiner. As the references listed on the above-referenced PTO forms were cited in the parent case, U.S. Patent Application Serial No. 09/650,525, copies of the references are not included herein.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313 on:

March 22, 2004

(Date of Deposit)

Timothy N. Thomas

Name of Registered Representative

*Timothy N. Thomas*  
Signature


March 22, 2004

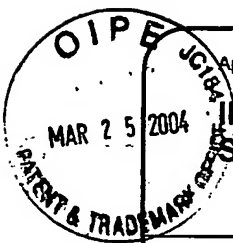
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The identified information, taken alone or in combination with other art, provides information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

This Statement is being submitted prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. However, should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By:   
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Applicant's Substitute for 1449A<sup>7</sup>**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Sheet 1 of 3

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/717,687         |
| Filing Date            | November 20, 2003  |
| First Named Inventor   | Hai H. Trieu       |
| Group Art Unit         | 3738               |
| Examiner Name          |                    |
| Attorney Docket Number | 4002-3111/PC817.00 |

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant<br>of Cited Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where<br>Relevant Passages or<br>Relevant Figures Appear |
|-----------------------|--------------------------|----------------------|--------------------------------------|--|--|---|
|                       |                          | Number               | Kind Code <sup>2</sup><br>(if known) |  |  |   |
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|-----------------------|--------------------------|-------------------------|--------------|--------------------------------------|--|--|---|----------------|
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|                       |                          |                         |              |                                      |  |  |   |                |

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO) Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. <sup>7</sup> In-house version of PTO/SB/08A (10-96).

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**4002-3111/PC817.00**

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|                       |                          | Number               | Kind Code <sup>2</sup><br>(if known) |  |  |   |
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| Sheet | 3 | of | 3 |
|-------|---|----|---|

| Examiner Initials* | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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|                    |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
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